

Before the Court is United States Magistrate Judge Stephen Hyles's Recommendation (Doc. 94) concerning Plaintiff Jeffrey Edward Moss's Motion for a Preliminary Injunction and Temporary Restraining Order (TRO) against Judge Thomas Wilson (Doc. 78) and Defendant Carolyn Prescott's Motion to Dismiss for Failure to Exhaust Administrative Remedies (Doc. 73). The Magistrate Judge recommends that the Plaintiff's motion be denied and that Defendant Prescott's motion be granted. Doc. 94 at 6-7, 11. Plaintiff Jeffrey Edward Moss has objected to both of these recommendations. Doc. 98. In his objection, the Plaintiff appears to allege new facts related to Defendant Prescott's motion to dismiss for failure to exhaust administrative remedies. *Id.* at 4. The Court construes this as a motion to amend or supplement the record concerning the motion to dismiss for failure to exhaust administrative remedies. Pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72, the Court refers that motion to the Magistrate Judge. As to the Plaintiff's Motion for a Preliminary Injunction and TRO,

pursuant to 28 U.S.C. § 636(b)(1), the Court has performed a de novo review and accepts the findings, conclusions, and recommendations of the Magistrate Judge.

Accordingly, the Court **ADOPTS** the Magistrate Judge's recommendation concerning Plaintiff's Motion for Preliminary Injunction and TRO (Doc. 78) and thus that motion is **DENIED**. The Court does not make a ruling concerning the Magistrate Judge's recommendation to grant Defendant Prescott's Motion to Dismiss for Failure to Exhaust Administrative Remedies (Doc. 73). Instead, the Court **REFERS** the new allegations in the Plaintiff's Objection concerning his efforts to exhaust his administrative remedies, which the Court construes as a motion to amend or supplement the record, to the Magistrate Judge for consideration.

SO ORDERED, this the 21st day of Sep, 2017.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT